

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 3, 1999
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann, Nakanishi, Pennino and Land (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, Parks and Recreation Director Williamson, Fire Chief Kenley, Finance Director McAthie, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Bruce Morris, Century Assembly Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Land.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Land presented a proclamation to Diane Kannenberg with the Lodi News Sentinel proclaiming the week of March 1 – 6, 1999 as "Newspaper in Education Week" in the City of Lodi.
- b) Mayor Land presented a proclamation to the coach and members of the West Coast Rebels Soccer Team from Lodi who will be traveling to Holland to compete in the *Coca-Cola Haarlem Cup*.
- c) Mayor Land presented a proclamation to Leon Johnson celebrating the 80th Anniversary of the Order of DeMolay in the City of Lodi.
- d) Mayor Land and Myrna Wetzel with the Year 2000 Steering Committee introduced the winner of the Year 2000 Place Mat Contest – Track B winner, Tanya Macias from Reese Elementary School. Tanya was presented with a Certificate of Recognition and a gift certificate from Barnes & Noble.
- e) Mayor Land presented former Parks and Recreation Commissioner Joe Handel with a plaque for his service as the 1998 Parks and Recreation Commission Chairman.
- f) Charis Calendar and Laveena Aggarival made a presentation to the City Council regarding *Up With People*.

5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) John Sutphin, 321 East Century Boulevard, Lodi, commented on agenda item #E-4 entitled, "Authorize City Manager to execute necessary agreements for installation of traffic signal at Kettleman Lane (Highway 12)/Crescent Avenue, and median in Kettleman Lane (Highway 12), from Hutchins Street to Ham Lane". Mr. Sutphin read the staff report and complimented the Public Works Director on doing a great job with his direction in this matter. He is, however, concerned about installing a median strip from Crescent Avenue to Hutchins Street.

- b) Ken Jeffers, President of the Highway 12 Association, also speaking regarding agenda item #E-4, congratulated the Public Works Department for proceeding so quickly in this matter. He also expressed a concern about trucks parking on Kettleman Lane west of Ham Lane.

6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$2,288,544.60.
- b) The minutes of February 10, 1999 (Joint Meeting with the Lodi District Chamber of Commerce), February 17, 1999 (Regular Meeting), February 18, 1999 (Joint Meeting with Congressman Pombo) and February 25, 1999 (Joint Meeting with the Lodi Ministerial Association) were approved as written.
- c) Accepted the improvements under the "Tokay Street Reconstruction, Mills Avenue to Fairmont Avenue" contract, directed the City Engineer to file a Notice of Completion with the County Recorder's Office, and appropriated funds in accordance with staff recommendation.
- d) Agenda item #E-4 entitled, "Authorize City Manager to execute necessary agreements for installation of traffic signal at Kettleman Lane (Highway 12)/Crescent Avenue, and median in Kettleman Lane (Highway 12), from Hutchins Street to Ham Lane" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- e) Set Public Hearing for March 17, 1999 to consider amending the ordinance relating to Police alarm fees.

7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-4 entitled, "Authorize City Manager to execute necessary agreements for installation of traffic signal at Kettleman Lane (Highway 12)/Crescent Avenue, and median in Kettleman Lane (Highway 12), from Hutchins Street to Ham Lane".

Public Works Director Prima reminded the City Council that at its January 20, 1999 meeting, Council requested staff work with Caltrans to expedite funding for the Kettleman Lane (Highway 12)/Crescent Avenue signal and median project. Caltrans' Office of Local Programs has approved funding for this project in fiscal year 1998/99 with the condition that this project be awarded this summer. The funds are from the Hazard Elimination and Safety (HES) Program, which provides funds for safety improvements on all public roads and highways. The funds serve to eliminate or reduce the number and severity of traffic accidents at hazardous highway locations.

The initial project includes a raised median between Hutchins Street and Fairmont Avenue, and construction of a traffic signal at Crescent Avenue. Caltrans is interested in extending the median to Ham Lane, and staff is working with the Vineyard Shopping Center to install a new driveway at Crescent Avenue. This will provide a four-legged intersection at Crescent Avenue which would be signalized with street lighting, pedestrian protection, handicapped ramps, and emergency vehicle detection.

Staff's contact with the shopping center's representative has been positive. They are willing to work with the City to obtain the necessary right-of-entry documents and agreements to allow the City to build the new access improvements and maintain the signal equipment constructed on their property.

To meet the deadlines, staff requested City Council authorize the City Manager to execute all necessary agreements for the installation of this project. Staff has requested a local engineering firm provide professional engineering services to prepare plans, specifications, and an estimate for the design of the median and signal. The firm will also provide a traffic analysis to determine the lengths of the left-turn pockets and if "left in" only turning lanes can be provided, which will be incorporated with the design if possible. A cooperative agreement between the City and Caltrans for the construction of this project as well as future maintenance will also be prepared and executed. Prior to advertising the project for construction, staff will be requesting City Council approval of the final plans and specifications.

Council Member Nakanishi indicated that he was pleased with the speedy progress of this matter and asked how the painting of the red curbs was proceeding. Public Works Director Prima replied that this project should have already been completed.

The City Council, on motion of Council Member Nakanishi, Pennino second, unanimously adopted Resolution No. 99-38 authorizing the City Manager to execute the necessary agreements for the installation of a traffic signal at Highway 12 (Kettleman Lane)/Crescent Avenue, and a median in Kettleman Lane (Highway 12), from Hutchins Street to Ham Lane and appropriated the necessary funding.

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider and approve funding proposals from the community and City staff for expenditures of the City's 1999-2000 Federal Allocation of Community Development Block Grant (CDBG) and HOME funds.

The City will receive \$734,293 in CDBG funds and \$216,671 in HOME funds from the Federal government for the coming fiscal year. CDBG funds can be used to address a wide range of community needs, such as park improvements, ADA retrofits, and other community organization based projects. Federal HOME funds, on the other hand, must be used to address housing and housing-related activities such as housing rehabilitation and new construction.

Community Development staff met on February 22, 1999, with a representative of Parks and Recreation, Public Works, Finance and the City Manager's Office, to discuss proposals. Staff agreed to recommend funding for each applicant in the amount requested, with the exception of the following items:

1. The Lodi Parks and Recreation Department requested \$305,500 for 8 projects. After a review of HUD guidelines, it was determined that 4 of those projects were ineligible for CDBG funding. The ineligibility of those projects reduced their request down to \$207,500, which is what was recommended for approval.
2. The Lodi Historical Society's request for \$149,000 from this coming year's allocation, as well as a request for reallocation of \$150,000 from the 98/99 allocation, which was designated for the Lincoln School Open Space Project, has not been recommended. The applicant has indicated that the funds would go toward the renovation project at Lincoln School, as well as site improvements at that location. While staff believes this to be a worthwhile project, funding for this coming year is limited. Staff also feels that

it is premature to reallocate funds from the 98/99 Program year until the transfer of the property from Lodi Unified School District to the Lodi Historical Society has been completed. Staff is prepared to bring the request for reallocation back to Council for approval once that has taken place. Further, staff believes that the project funding should be applied for in the next program year.

3. The Public Works Department requested \$100,000 to fund their on-going Handicap Ramp Retrofit project. Due to limited funding, staff recommended approval of \$50,000 for that project.

Staff's recommendations for approval totals \$711,448, which leaves a balance of \$22,845 in the 1999-2000 allocation. Staff recommended that this amount remain unallocated to cover a possible shortage in funds for the Elm Street Parking Lot project that was approved for the 98/99 funding year.

For HOME funding, staff received one request from Habitat for Humanity for \$60,000 for them to purchase vacant land for their construction of affordable owner-occupied housing, as well as the related development costs for those projects. With the supply of suitable vacant lots dwindling, Habitat for Humanity has also identified the possibility of purchasing existing dwellings for either rehabilitation or demolition to allow new construction.

Staff recommended allocating the remaining \$156,671 in HOME funding to the existing Housing Assistance Loan Programs: Down Payment Assistance, Owner Occupied Housing Rehabilitation and Rental Housing Rehabilitation.

Council Member Pennino questioned if refurbishing of the restroom facilities at the Grape Bowl would qualify for CDBG funds. Community Development Director Bartlam responded that it would qualify if it were a handicapped retrofit project. Mr. Pennino requested that a memo be prepared with a proposal on refurbishing these restrooms.

Council Members posed additional questions, which were responded to by Community Development Director Bartlam.

Hearing Opened to the Public

Speaking on behalf of their applications and requests were the following:

1. John D. Brinton, President of the Board of Family Law Service Center, 165 St. Doms Drive, Suite 202, Manteca.
2. Alice Hannon, Executive Director of the San Joaquin County Rental Property Association, 840 North El Dorado Street, Stockton.
3. Paul Rengh, San Joaquin County Food Bank, 704 East Industrial Park Drive, Manteca.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 99-40 approving the projected use of funds for the 1999-2000 Community Development Block Grant (CDBG) and HOME entitlement as set forth on the following page:

Continued March 3, 1999

1999-2000 Community Development Block Grant Allocation	\$ 734,293	
APPLICANT	AMOUNT REQUESTED	STAFF RECOMMENDATION
Lodi Boy's & Girls Club	\$50,000	\$50,000
City of Lodi Public Works – Handicap Ramp Retrofit	\$100,000	\$50,000
Lodi Historical Society – Lincoln School Restoration	\$149,000	0
LOEL Foundation – Senior Center Remodel Project	\$75,000	\$75,000
City of Lodi Parks & Recreation	\$305,500	\$207,500
• LAWRENCE AND SALAS PARK PLAYGROUNDS	\$150,000	\$150,000
• ARMORY PARK – PARKING LOT	\$50,000	0
• CENTURY PARK – MAXICOM SYSTEM	\$8,000	0
• CENTURY PARK – SHADE STRUCTURE	\$15,000	0
• HALE PARK – COURT RESURFACE	\$20,000	\$20,000
• SOFTBALL COMPLEX/GRAPE BOWL STREETScape	\$25,000	0
• BLAKELY PARK – WATER SLIDE		
• GRAPE BOWL - WALKWAY	\$7,500	\$7,500
	\$30,000	\$30,000
Lodi Community Service Center – Dial-a-Ride/Grapeline	\$5,000	\$5,000
Family Law Service Center	\$7,800	\$7,800
San Joaquin Fair Housing	\$12,648	\$12,648
San Joaquin Food Bank	\$10,000	\$10,000
San Joaquin Rental Property Association	\$3,500	\$3,500
Rental Property Handbook		
City of Lodi Community Development	\$200,000	\$200,000
Sacramento Street/Elm Street Streetscape – Façade Improvement		
City of Lodi Program Administration	\$90,000	\$90,000
Balance to Remain Unallocated		\$22,845
TOTALS	\$1,008,448	\$734,293
1999-2000 HOME PROGRAM Allocation	\$ 216,671	
APPLICANT	AMOUNT REQUESTED	STAFF RECOMMENDATION
Habitat for Humanity	\$60,000	\$60,000
City of Lodi Community Development Department	\$156,671	\$156,671
Housing Assistance Loan Programs		
DOWN PAYMENT ASSISTANCE	\$100,000	\$100,000
OWNER OCCUPIED HOUSING REHABILITATION	\$50,000	\$50,000
RENTAL HOUSING REHABILITATION	\$31,671	\$31,671
TOTAL	\$216,671	\$216,671

9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Land, Nakanishi second, unanimously rejected the following claims:
1. Alberta Van Nest, date of loss 11/15/98
 2. Econo-Rooter, date of loss 7/27/98
 3. Lori Krein, date of loss 7/27/98
 4. Aimee Ramsower, date of loss 7/27/98

10. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Property owner hearing, consider adoption of resolution expressing need for City to exercise the powers of a parking authority and Resolution of Public Interest and Necessity, thereby formally authorizing the acquisition of property located at 15 West Elm Street for parking facilities".

The purpose of this agenda item is twofold.

First, it is designed to provide the property owner the opportunity to appear and be heard on those topics contained in the Code of Civil Procedure (CCP) §1240.030. This requirement to afford the property owner this opportunity to be heard is found in CCP §1245.235.

The topics found in CCP §1240.030 that may be addressed by the property owner are as follows: a) does the public interest and necessity require the project? b) is the project planned or located in the manner that will be most compatible with the greatest possible good and the least private injury? and c) the property sought to be acquired is necessary for the project. The amount of compensation to be paid for the property is not a proper subject for this hearing. A property owner will often bring compensation up however.

In order to appear and be heard as outlined in the previous paragraph, a property owner is required to file a written request to appear within fifteen (15) days after the Notice of Hearing was mailed. Failure to file such a request, results in a waiver of the right to appear and be heard (CCP §1245.235 (b)(3)). The property owners, Frank N. and Frank C. Hall were notified of this requirement in the letters sent to them. No written request to appear has been received within the required time frame.

The second purpose is to adopt a resolution establishing the need of the City to exercise the powers of a parking authority. By doing so, the Council establishes clear statutory authority upon which the use of the power of eminent domain can be based. Streets and Highways Code §32802 (b), part of the Parking Law of 1949, clearly sets forth that the acquisition of property for parking purposes is authorized. Adoption of the proposed resolution gives the City the authority to exercise all of the powers granted by the Parking Law of 1949.

The eminent domain process is governed by express statutory provisions. CCP §1245.240 specifically requires that a resolution of public interest and necessity be adopted by a two-thirds vote of all the members of the City Council. Since two-thirds of five is a number greater than three, it takes four affirmative votes to adopt the required resolution.

Community Development Director Bartlam reported that after a thorough review of the potential sites in the area, the properties located at 11, 15 and 17 West Elm were determined to be the most suitable for additional parking development. A categorical exemption of environmental impact was completed relative to the development of a grade-level parking lot utilizing these properties. The three properties are currently either vacant, abandoned or under utilized. In particular, 11 West Elm Street is occupied by a severely fire-damaged structure that fell into foreclosure last year. The property is currently being offered for sale by the financial institution that took it over. The subject property at 15 West Elm Street contains a vacant 850 square-foot commercial storefront and vacant attached apartment. Both of these structures are in need of substantial repairs. The third property is vacant and includes a ten-foot-deep excavation. The property is also listed for sale by the property owner.

City Attorney Hays requested that the minutes reflect that the property owner failed to file a written request to appear within 15 days after the Notice of Hearing was mailed.

Speaking on the matter were the following persons:

1. Frank Hall, 1419 Lake Street, Lodi, asked that the City pay for the cost of his appraisal.

2. Alan Goldberg, President of the Downtown Lodi Business Partnership (DLBP), 912 Everett Court, Lodi, urged the City Council to go forward with this to provide more downtown parking.
3. George DeCota, 1419 Lake Street, Lodi, wants the City to be fair with Mr. Hall and pay for his appraisal.
4. William Dias, 9361 Peltier Road, Acampo, spoke on behalf of Mr. Hall and how well he refurbishes older buildings.
5. Vi Riggle, 712 North Cross Street, Lodi, questioned the need for a parking lot in Lodi. She does not want to see any more money spent on downtown.
6. Robert Riggle, 712 North Cross Street, Lodi, agrees with his wife that downtown is not a proper place for parking. There is ample parking on Church Street.

Mayor Land stated that he feels there is a need for parking downtown, especially due to the recent employment increase in the downtown area.

Council Member Pennino questioned how long the process will take, which was explained in detail by the City Attorney. Council was assured that negotiations can continue up until the last minute.

Following additional discussion, the City Council, on motion of Council Member Pennino, Nakanishi second, unanimously adopted the following resolutions:

- Resolution No. 99-41 entitled, "A Resolution Of The Lodi City Council Of The City Of Lodi Declaring The Need For The City To Exercise The Powers Of A Parking Authority Pursuant To The Parking Law Of 1949 (Government Code §32500 Et Seq.)"; and
- Resolution No. 99-39 entitled, "A Resolution Of The Lodi City Council Of The City Of Lodi Finding That Public Interest And Necessity Require The Acquisition For Public Parking Purposes Property Owned By Frank N. Hall And Frank C. Hall, Commonly Referred To As Assessor's Parcel Number 043-026-11 (15 West Elm Street)".

11. ORDINANCES

None.

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) John Sutphin, 321 East Century Boulevard, Lodi, expressed a problem with the median strip located on the north side of East Century Boulevard between Stockton and Chickadee Street, which is the new Bangs Ranch No. 1 development. There are 12 property owners responsible for the maintenance of the roadway and median, but there are no impounded funds or homeowners association to meet these costs; therefore, some of it has been maintained and some has not. The area is becoming blighted and there needs to be some resolution. The City Manager indicated he would look into this matter. Further, Community Development Director Bartlam informed Mr. Sutphin that a courtesy letter has been prepared and will be going out shortly to the property owners.
- b) Robert Riggle, 712 North Cross Street, Lodi, expressed several observations: 1) Comments by the Public on Non-Agenda Items segment is at the end of the agenda when it used to be at the beginning; 2) Presentations during Council meetings are too lengthy and should be shortened to 20 minutes; 3) Far too often matters are referred to Southern California, and he feels that Northern California is another state; 4) Concern that the Police may not be getting all of the facts in accidents happening in crosswalks, such as rude drivers. The Police need to realize all types of violations taking place and should beef up enforcement; and 5) Concern that the Council is not receiving all of the facts from staff regarding bicycle safety, and he hopes that information will not be left out in the future.

Continued March 3, 1999

- c) Frank Hall, 1419 Lake Street, Lodi, questioned who would be making the decision about his appraisal. Mr. Hall was directed to contact the City Attorney who will proceed with the matter.
- d) William Dias stated that he is impressed with what is going on at Sacramento Street and feels there is a need for additional parking.
- e) Barbara McWilliams, Posers TV and Radio, 208 South School Street, Lodi, shared with the Council that those who attended the California Downtown Association conference, hosted by Lodi in September, were very complimentary of the job the City did.

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Pennino informed the Council that he received a copy of the City of Pasadena's budget. He would like to see Lodi's budget include some of the items that Pasadena's had. Their performance factors were very impressive.
- b) Council Member Hitchcock provided a report on the League of California Cities meeting that she recently attended. The theme was "keep it simple".
- c) Public condolences were offered to the family of Bob Lonzo for his tragic death.

14. CLOSED SESSION

Mayor Land adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN
- b) Prospective lease of City property (275± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are Pro Style Sports and the City of Lodi. Price and terms of the lease are under negotiation.

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:30 p.m., and Mayor Land disclosed that there were no final actions taken in these matters.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Land adjourned the meeting at approximately 11:30 p.m.

ATTEST:

Alice M. Reimche
City Clerk